IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

CR. NO. 1:CR-01-018 (Judge Rambo)

SCRANTON

GEOVANI DAVILA Defendant.

٧.

MOTION OF LEGAL PROCEEDING(S) AND PRODUCTION OF DOCUMENTS

NOW COMES, the defendant Geovani Davila who by and through order dated March 3, 2006 from the U.S. Attorney's response that he had no objection for extension to be granted defendant to file a Notice of Appeal of the Court's December 5, 2005 order. He states herein:

- 1) The government has inform the Court petitioner has shown good cause for not filing Notice of Appeal within the 60 days period and recommends The Court accept petitioner's filing of Notice of Appeal dated February 9th, 2006 as timely.
- 2) As of this date, petitioner/defendant has not received Notice from the Court of its decision on this matter.
- 3) Defendant/petitioner has requested a certified copy of the hearing transcript dated December 5th 2005 from his court appointed attorney, but the attorney has not complied. Further, plantiff needs a copy of the autopsy report given to Judge Rambo by defendant on December 5th 2005; said copy was not returned to defendant by the Court and he needs said report to assist his appeal process.

4) Finally, defendant request the Court to consider a Motion to Appoint Counsel to assist defendant/apellant in his appeal of the District Court's decision denying petitioner's motion pursuant to 28 U.S.C.A. §2255 dated December 5, 2005.

Respectfully submitted,

(Seal) Leoveni Dovila Geovani Davila, defendant # 54826-066

FCI-Gilmer, P.O. Box 6000

C-1 #1161

GLenville, WV 26351-6000

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA) CR. NO. 1:CR-01-018) (Judge Rambo)
V.))
GEOVANI DAVILA Defendant.	} } }

CERTIFICATE OF SERVICE

The undersigned hereby certifies on this date $\underbrace{J_{uve}, Z}_{2}$ Defendant/Petitioner mailed a copy of this motion in a post-paid envelope addressed to:

United States Attorney C/O Gordon A.D. Zubrod, U.S. Attorney 228 Walnut Street Harrisburg, PA 17108

> (Seal) Georgia Pavila Geovani Davila, Defendant

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA) CR. NO. 1:CR-01-018
v. GEOVANI DAVILA,) (Judge Rambo)
Defendant.) (ELECTRONICALLY FILED)

RESPONSE TO THE COURT'S ORDER OF FEBRUARY 28, 2006

NOW COMES the United States of America, by and through its counsel, Thomas A. Marino, United States Attorney for the Middle District of Pennsylvania, and Gordon A.D. Zubrod, Assistant United States Attorney, and respectfully represent to this Court the following facts:

- 1. On December 5, 2005, the District Court issued an Order denying Petitioner's motion filed pursuant to 28 U.S.C. § 2255. Petitioner did not receive this Order until January 30, 2006.
- On February 9, 2006, Petitioner filed a Notice of Appeal of the 2. December 5, 2005 Order.
- 3 On February 27, 2006, Petitioner filed a Motion for Extension of Time to file a notice of appeal pursuant to Rule 4 of the Federal Rules of Appellate Procedure. Petitioner represented that, being in transit, he did not receive notice of the District Court's Order until January 30, 2006. Thus, the government believes that Petitioner has shown good cause for not filing the notice of appeal

within the 60 day period and recommends that the Court accept the filing of the notice of appeal on February 9, 2006 as timely.

Respectfully submitted,

THOMAS A. MARINO United States Attorney

/s/ Gordon A.D. Zubrod GORDON A.D. ZUBROD ASSISTANT U.S. ATTORNEY 228 Walnut Street Harrisburg, PA 17108 Phone: (717) 221-4482 Fax: (717) 221-2246 Gordon.Zubrod@usdoj.gov PA20792

Dated: March 3, 2006

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA) CR. NO. 1:CR-01-018
v. GEOVANI DAVILA,)) (Judge Rambo))
Defendant.)) (ELECTRONICALLY FILED)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion to be competent to serve papers.

That this 3rd day of March, 2006, she served a copy of the attached

RESPONSE TO THE COURT'S ORDER OF FEBRUARY 28, 2006

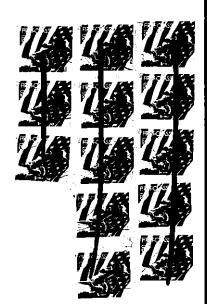
via electronic filing and/or by placing said copy in a postpaid envelope addressed to the person(s) hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

Geovani Davila #54826-066 FCI Gilmer P.O. Box 600 Glenville, WV 26351

> /s/ Carol A. Manies CAROL A. MANIES Legal Assistant

Gil mer Frederal correctional Institution (Slewville, W.V. 26351 GOUAN. DAVIA - 54826-066 P.O. BOX 6000

RECEIVED SCRANTON JUN 0 6 76/06



LEGAL MAIL OLERK, U.S. District Court 235 N. Washington Av. P.O Box 1148 SCRANTON, P.A #17108

ԱՄԵՆԵՆԵՐ ԱՄԵՆ ԱՄԵՆ ՄԵՐԵՐ ԱՄԵՐ ԱՄԵՐ ԱՄՄ